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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,504	07/11/2003	Pierluigi Pugliese	PUGLIESE 30	3983
47396	7590	03/23/2006	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			BLACKWELL, JAMES H	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/617,504	PUGLIESE, PIERLUIGI	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

1. This Office Action is in response to an amendment filed 01/03/2006 with a priority date of **07/19/2002**.
2. Claims 1-11 are currently pending in the application. Claims 1, and 6 are independent claims.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are directed to non-statutory subject matter. In particular regard to independent Claims 1 and 6, it is noted that said claims do not recite any transformation of data. Therefore, Claims 1 and 6 are non-statutory subject matter.

Claims 2-5, are rejected for fully incorporating the deficiency of their respective base claims.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding independent Claim 1, the phrase "in particular" (like "for example") renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In Claim 1, it is unclear whether "characters" are the only type of data, or if other types of data can exist. See MPEP § 2173.05(d).

It is also noted that the phrase "can be" is also indefinite as it implies that characters may, or may not have to be entered in order for the indicator to render visual the available capacity for entering data.

6. In addition, Claims 1 and 6, each claim consists of a single limitation (the rest is preamble). Therefore, there are not enough recited limitations to interpret what Applicant's claimed invention is. Thus, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Steps between the preamble and the method and means preceding the step of graphic visualization.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker (N. Thacker, "Javascript Dynamic Text Area Counter", Copyright 05/19/2000, downloaded from <<http://www.shiningstar.net/articles/javascript/dynamictextareacounter.asp?ID=AW>>) in view of Harris (U.S. Patent No. 6,473,104 filed 08/04/1999, issued 10/29/2002).

**In regard to independent Claim 1 (and similarly independent Claim 6),**  
Thacker teaches *A method of indicating the amount of data, in particular of characters, which can be entered in an edit field of an electronic device for a common subsequent processing* in that it depicts an HTML textarea with a counter displaying graphically a countdown of the number of characters remaining (Pg. 1 of 3).

Thacker fails to teach that *the available capacity for entering data in the edit field is graphically visualized*. However, Harris teaches a graphical display of a number of characters input on a given line (vector) in the form of a bar graph which increases in size as characters are input on the line (see Fig. 3C). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Harris as both inventions relate to visually displaying a count of characters. The

addition of Harris provides the benefit of a graphical display for visual feedback of the number of characters input.

**In regard to dependent Claim 2 (and similarly dependent Claims 5, and 7),** Thacker teaches that *the look of a graphic element associated to the edit field is changed in functional dependency to the available remaining capacity* in that the numeric display decrements each time a character is entered (Pg. 1A of 3).

9. Claims 3-4, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of Harris, and in further view of Jaaskelainen (U.S. Patent No. 5,301,348, filed 07/16/1992m, issued 04/05/1994).

**In regard to dependent Claims 3-4 (and similarly dependent Claims 8-9),** Thacker does not teach that *the graphic element is subdivided into two areas (or several sub-portions), wherein the percentages of the two areas are changed in functional dependency to the available capacity*. However, Jaaskelainen teaches a dynamic progress marker graphic icon where a percent character (%) indicates a percentage of a task completed (see Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Jaaskelainen as both references relate to graphically depicting progress of a task. Adding the teaching of Jaaskelainen provides the benefit of alternative means to visualize progress of a task. It is also noted that Harris also teaches a graphic element that is subdivided (according to lines of text) that changes dynamically based on input of characters to the line (Fig. 3C).

10. Claims 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thacker in view of Harris, and in further view of Marks (U.S. Patent No. 6,097,390, filed 04/04/1997, issued 08/01/2000).

**In regard to dependent Claim 10, Thacker fails to teach that *the graphical element is a text cursor*. However, Marks teaches that an embodiment of their icon display can be extended to be used with a text-only display using a cursor to indicate progress of a task by gradually filling in sub-blocks within the cursor (Col. 4, lines 29-34). I would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Marks as both inventions relate to progress indicators. Adding the teaching of Marks provides the benefit of displaying progress in a non-GUI, text-only display.**

**In regard to dependent Claim 11, Thacker fails to teach *a mobile phone, in particular based on a GSM-standard or UMTS-standard*. However, Marks teaches use of a cursor-based progress indicator that can be used on non-GUI, text-only based display devices (Col. 4, lines 29-34). It would have been obvious to one of ordinary skill in the art at the time of invention to conclude that an example of a non-GUI, text-only input display device is a mobile phone, many of which have text messaging and input capabilities in a text-only non-GUI mode, providing the benefit of indicating a maximum message length. It would have also been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Thacker and Marks as both inventions**

relate to progress indicators. Adding the teaching of Marks provides the benefit of displaying progress in a non-GUI, text-only display.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. Specifically, Applicant argues that the prior art of Thacker, either alone or in combination with Jaaskelainen and Marks fails to teach *a method of indicating the amount of data, in particular of characters, which can be entered in an edit field of an electronic device for a common subsequent processing*. The Examiner agrees and withdraws the rejection. However, the Examiner now adds the prior art of Harris, which teaches such a limitation in combination with Thacker, and the prior art of Jaaskelainen and Marks by providing a graphical indication of the amount of data (characters) input into a given line of text.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell  
03/09/2006

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*3/20/2006*